

Message Text

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TO AMEMBASSY MEXICO NIACT IMMEDIATE

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E.O. 11652:GDS

TAGS: MX,US, PLOS, PFOR,

SUBJECT: RABASA'S MEETING WITH THE SECRETARY ON

LAW OF THE SEA

FROM ASST SECRETARY ROGERS

1. RABASA, IN THE MEETING WITH THE SECRETARY YESTERDAY
RAISED THE LAW OF THE SEA AND MEXICO'S NEED TO MOVE TOWARD
200 MILES THIS YEAR. I SUGGESTED CARL MAW AND I TALK
FURTHER WITH HIM AT LUNCH TODAY(JUNE 27) AND WE DID.

2. RABASA EMPHASIZED THAT HE HAD POSTPONED A UNILATERAL
DECLARATION TWICE, THE FIRST TIME BEFORE THE CARACAS
MEETING, THE SECOND, BEFORE GENEVA. NOW HE HAD TO MOVE.
ECHEVERRIA WILL NOT BE PRESIDENT BEYOND THIS AUTUMN'S
LEGISLATIVE ASSEMBLY. HE WANTS THE GULF OF CALIFORNIA
PROBLEM SOLVED BEFORE ECHEVERRIA LEAVES OFFICE. IT IS THE
GULF WHICH BOTHERS HIM MOST. TO SOLVE THAT ISSUE HE MUST,
HE SAID, ASK THE LEGISLATURE FOR A GENERL PATATRIMONIAL SEA
STATUTE WHICH WOULD COVER ALL MEXICO'S COAST. THE GULF IS
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THREATENED BY RUSSIAN, JAPANESE AND US FISHING, AS WELL AS

BY POLLUTION.

3. HE SAID THAT KISSINGER WAS CONCERNED WITH THE PRECEDENT, AND CONTENDED THAT IT WOULD BE NO PRECEDENT. THIS, BECAUSE THE TREATIES OF GUADALUPE HIDALGO AND ONE OTHER, THE TREATY ON LIMITS OF DEC 30, 1853, AS TO WHICH SEE BELOW, PROVIDED SPECIFICALLY THAT THE UNITED STATES WOULD HAVE FREE PASSAGE FOR ITS VESSELS. THIS, HE SAID, MEANT THAT THE GULF OF CALIFORNIA WAS UNIQUE AND WOULD NOT CONSTITUTE A PRECEDENT FOR OTHER GULFS, SINCE THE TREATY PROVISION GUARANTEED THAT PASSAGE WOULD BE MAINTAINED.

4. WE POINTED OUT THE REGRETABLE PRECEDENTIAL EFFECTS HERE AND IN CANADA NONETHELESS, IF MEXICO MOVED UNILATERALLY. RABASA UNDERSTOOD BUT SAID THAT HE COULD NOT WAIT FOREVER, AND THAT HE WAS NOT OPTIMISTIC THAT NEW YORK WOULD PRODUCE A TREATY.

5. WE THEN SUGGESTED THE POSSIBILITY OF A CONVENTION BETWEEN US, PERHAPS RELATING JUST TO THE GULF. HE EMPHASIZED THAT HE NEEDED SOMETHING WHICH WOULD RATIFY THAT THE WATER COLUMN, THE SEA BED AND THE RESOURCES, LIVING AND OTHERWISE OF THE GULF'S MATERIAL BELOW THE BED OF THE SEA WERE MEXICAN. WE SAID THIS MIGHT BE DOABLE, PARTICULARLY IF THE AREA WERE SHELF, AND PERHAPS EVEN IF NOT, BY ONE TECHNIQUE OR ANOTHER, PERHAPS BY AGREEING TO HISTORIC BAY TREATMENT SUCH AS THAT PROPOSED FOR HUDSON'S BAY. WE AGREED TO HAVE A LOS LAWYER LOOK AT THE QUESTION AND GET A REPLY BACK TO HIM THROUGH OUR EMBASSY.

6. I ALSO REQUESTED THAT RABASA LOOK AT THE PROPOSED RESOLUTIONS IN THE WOMEN'S CONFERENCE RELATING TO CERDS AND PANAMA, TO SEE IF HE COULD ARRANGE TO HAVE THEM MODIFIED TO MEET OUR PARTICULAR DIFFICULTIES. HE APPRECIATED THAT WE WERE IN FOR SOME TOUGH SLEDDING ON THE CANAL ISSUE HERE, AND RABASA TAKES PRIDE IN HAVING CALMED TACK DOWN FROM TIME TO TIME IN THE PAST, AS YOU PROBABLY KNOW.

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7. YOU WILL HEAR BY SEPTTEL OF HIS TALK WITH THE SECRETARY ABOUT SAN JOSE.

8. HERE IS AN AIDE MEMOIRE WHICH RABASA HANDED US DURING THE MEETING. QUOTE. TREATY ON LIMITS, SIGNED ON DECEMBER 30, 1853.

9. ARTICLE IV.

"CITIZENS AND SHIPS OF THE UNITED STATES WILL HAVE AT ALL TIMES A FREE AND UNINTERRUPTED TRANSIT THRU THE GULF OF CALIFORNIA FOR ITS POSSESSIONS AND FROM ITS POSSESSIONS LOCATED NORTH OF THE LINE SEPARATING BOTH COUNTRIES; IN THE UNDERSTANDING THAT THIS TRANSIT MUST BE MADE NAVIGATING THRU THE GULF OF CALIFORNIA AND BY THE COLORADO RIVER, AND NOT BY LAND, WITHOUT THE EXPRESSED

CONSENT OF THE MEXICAN GOVERNMENT."

10. SINCE THE MIDDLE OF THE 19TH CENTURY, THE GULF OF CALIFORNIA WAS RECOGNIZED AS AN INTERIOR MEXICAN SEA, AND PROOF OF THIS IS IN THE TEXTS OF THE TREATIES OF 1848 AND 1853, WHERE ARTICLES HAD TO BE INCLUDED SPECIFYING THAT THE UNITED STATES WOULD HAVE THE RIGHT TO TRANSIT THRU THE GULF OF CALIFORNIA AND THE COLORADO RIVER UP TO ITS POSSESSIONS. THIS INDICATES THAT MEXICO HAD THE RIGHT TO AUTHORIZE THIS TRANSIT, AND THAT THE GULF OF CALIFORNIA WAS NOT RECOGNIZED AS AN OPEN SEA, BUT RATHER AS A BODY OF WATER OVER WHICH MEXICO EXERCISED SOVEREIGNTY. ADDITIONAL RECOGNITION OF THE ABOVE IS GIVEN BY THE DIVIDING LINES PROPOSED BY THE UNITED STATES DURING THE NEGOTIATION OF THE TREATIES OF 1848 AND 1853; SEVERAL OF THE DIVIDING LINES PROPOSED BY THE UNITED STATES RAN THRU THE MIDDLE OF THE GULF OF CALIFORNIA IN AN ATTEMPT TO DIVIDE THIS SEA BETWEEN OUR TWO COUNTRIES, WITHOUT ANY RECOGNITION OF RIGHTS TO ANY OTHER COUNTRIES, WHICH INDICATES THAT THERE WAS CERTAINTY THAT ONE WAS DEALING WITH AN INTERIOR SEA AND CONSEQUENTLY THEY WERE ATTEMPTING TO DIVIDE IT IN THE MANNER OF A TERRITORY, LEAVING TO MEXICO ABSOLUTE SOVEREIGNTY OVER ONE OF THE HALFS OF THE GULF OF CALIFORNIA AND THE UNITED STATES ABSOLUTE SOVEREIGNTY OVER THE OTHER HALF. THESE PRO-
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POSALS ADVANCED BY UNITED STATES NEGOTIATORS MAKE IT QUITE CLEAR THAT SINCE THAT TIME THE GULF OF CALIFORNIA WAS RECOGNIZED AS PART OF MEXICO'S TERRITORY. END QUOTE.
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